

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Firexo, Inc.,  
2435 Gill Road  
Port Clinton, Ohio 45452

Plaintiff,

v.

Firexo Group Limited,  
c/o Coyle White Devine,  
Boughton Business park,  
Bell Lane Amersham,  
Buckinghamshire  
HP6 6FA UK

Defendant.

Case No. 3:21-cv-2336

**NOTICE OF REMOVAL**

Defendant Firexo Group Limited (“Defendant”) files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. In support of the removal of this action from state court, Defendant states as follows:

1. On or about October 29, 2021, Plaintiff Firexo, Inc. (“Plaintiff”) filed a lawsuit in the Ottawa County, Ohio, Court of Common Pleas, captioned *Firexo, Inc. v. Firexo Grp. Ltd.*, Case No. 21-CVH-339 (the “Action”), and named Defendant as the sole defendant. A copy of the Summons and Complaint is attached hereto as Exhibit A.

2. This Court has original jurisdiction over the Action pursuant to 28 U.S.C. § 1332.

3. Removal to this Court is appropriate pursuant to 28 U.S.C. §1446(a) because this District and Division embrace the place in which the Action was filed and is pending.

**DIVERSITY JURISDICTION**

4. In the Action, Plaintiff asserts four claims against Defendant stemming from a contractual relationship between the parties that gave Firexo the right to distribute and sell fire

extinguishers and fire extinguishing products in the United States. Compl., ¶ 8. While Plaintiff does not demand a sum certain in its Complaint, the allegations in the Complaint and Defendant's knowledge of Plaintiff's alleged damages support the conclusion that the amount in controversy exceeds \$75,000.

5. Plaintiff alleges in its Complaint that it is a Florida corporation with its principal place of business in Port Clinton, Ottawa County, Ohio. Defendant is a citizen of the United Kingdom. Therefore, this Court has original jurisdiction over this Action pursuant to 28 U.S.C. § 1332(a)(2).

#### **OTHER PROCEDURAL ISSUES**

6. Defendant received a copy of Plaintiff's Complaint via hand delivery on November 18, 2021. Defendant does not concede that it has been properly served as a foreign citizen and expressly reserves the right to argue lack of service.

7. Defendant has not yet answered, moved, or otherwise responded to Plaintiff's Complaint. By filing this Notice of Removal, Defendant does not waive any defense that may be available to it, including but not limited to failure to state a claim upon which relief may be granted, lack of jurisdiction, or improper venue. Without limiting the foregoing, Defendant explicitly reserves the right to argue that venue is not proper in this Court or the Ottawa County Court of Common Pleas because the contract entered into by the parties specifies that "[e]ach party irrevocably agrees that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this agreement or its subject matter or formation."

8. This case is related to *Scot Smith v. Firexo Grp. Ltd.*, Case No. 3:21-cv-2266 (N.D. Ohio). Defendant requests that these two cases be marked as related and that this case be assigned to Judge Zouhary.

9. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed within thirty (30) days after Defendant's receipt of Plaintiff's Complaint.

10. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be served promptly upon all parties to the Action and filed with the Ottawa County, Ohio, Court of Common Pleas.

WHEREFORE, Defendant hereby removes the Action from the Ottawa County, Ohio, Court of Common Pleas to the United States District Court for the Northern District of Ohio, Western Division.

Dated: December 13, 2021

Respectfully submitted,  
**FIREXO GROUP LTD.**

/s/ Jason J. Blake

Jason J. Blake (0087692)

Gretchen L. Whaling (0096780)

John F. Fisher (0085455)

CALFEE, HALTER & GRISWOLD LLP

1200 Huntington Center

41 South High Street

Columbus, Ohio 43215

Telephone: (614) 621-1500

Facsimile: (614) 621-0010

jblake@calfee.com

gwhaling@calfee.com

jfisher@calfee.com

*Attorneys for Defendant, Firexo Group Limited*

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 13<sup>th</sup> day of December 2021, counsel for Defendant electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send an e-mail notification of such filing to all counsel of record. A copy of the foregoing was also served via U.S. mail, this 13<sup>th</sup> day of December 2021 upon the following:

Richard R. Malone  
Paul T. Belazis  
Malone, Ault & Farell  
7654 W. Bancroft Street  
Toledo, Ohio 43617  
Malone@maf-law.com  
[Belazis@maf-law.com](mailto:Belazis@maf-law.com)

*Counsel for Plaintiff*

/s/ Jason Blake  
One of the Attorneys for Defendant